

United States Environmental Protection Agency  
Region II  
26 Federal Plaza  
New York, New York 10007  
212-264-2515

37150

PUBLIC NOTICE

No. NPDES 74-399

Date: MAR 8 1974

Notice is hereby given that the United States Environmental Protection Agency (EPA) has received a complete application (No. NJ0002429 ) from National Gypsum Company, Millington, Morris County, New Jersey (the Applicant) for a National Pollutant Discharge Elimination System (NPDES) permit to discharge pollutants into navigable waters under the Federal Water Pollution Control Act Amendments of 1972 (the Act) (33 U.S. Code §§1251-1376).

The applicant manufactures asbestos cement shingles and urethane foam blocks. The .055 MGD discharge consists of process water, from the asbestos shingle operation and flows into the Passaic River. The discharge is located about 200 feet north of the intersection of River-side and Stonehouse Roads.

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The Region II staff of EPA has tentatively determined to issue a permit to the Applicant subject to certain effluent limitations and other conditions necessary to carry out the provisions of the Act. Interested persons may submit written comments on the tentative determinations to the Regional Administrator at the above address no later than **APR 8 1974**. The period for submitting comments may be extended if the public interest warrants.

A copy of the draft NPDES permit and other available information may be obtained by mail from the Region II Office, Room 1005, 26 Federal Plaza, New York, New York 10007, or by calling 212-264-2515 or in person between 8:00 A.M. and 4:30 P.M., Monday through Friday. Other forms and relevant documents may be inspected at said office. Copies will be provided at a charge of \$.20 per copy sheet.

In lieu of, or in addition to, the submission of comments as above provided, any interested person may request that the Regional Administrator hold a hearing to consider the permit application and the tentative determinations with respect thereto. Any request for a hearing shall:

- (a) be in writing and submitted to the Regional Administrator no later than **APR 8 1974**
- (b) specify whether an informal Public Hearing under §125.34(b) of 40 Code of Federal Regulations (Federal Register, May 22, 1973, pp. 13528, 13537) or a formal Adjudicatory Hearing under §125.34(c) of said Code (ibid.) is requested.
- (c) state the name and address of the person making the request and of any other persons represented by him.
- (d) identify the interest of the requester and of any person he represents which would be affected by the issuance or non-issuance of the permit.
- (e) state with particularity the reason for the request, the issues proposed for consideration at the hearing and the requester's position thereon.

(f) include an agreement, if the request is for an Adjudicatory Hearing, by the requester and any person represented by the requester, to be subject to examination and cross-examination, and in the case of a corporation, to make any employee available for examination and cross-examination at his own expense on the request of the presiding officer, on his own motion or on the motion of any party.

If the Regional Administrator finds there is a significant degree of public interest in the proposed permit he will hold an informal Public Hearing. If he finds that a request for a formal Adjudicatory Hearing is timely, meets the above requirements, and sets forth material issues relevant to the question whether a permit should be issued and with what conditions, he will assign the matter for an Adjudicatory Hearing. If a Public Hearing is held, the Regional Administrator will make such modifications in the terms and conditions of the proposed permit as may be appropriate and will issue or deny the permit. Notice thereof will be issued to all persons who participate in the Public Hearing or whose names appear on the NPDES mailing list maintained by EPA, Region II. Within 20 days thereafter any person may submit to the Regional Administrator a request, complying with the requirements set forth above, for an Adjudicatory Hearing to consider the proposed permit and its conditions. If such request is granted, any other interested person may submit a request to be a party within 30 days after the date of publication of public notice of an Adjudicatory Hearing and the matter shall be assigned for such a hearing as provided above.

If no request for a Public Hearing or an Adjudicatory Hearing is granted, the Regional Administrator, after consideration of (a) the tentative determinations, (b) any comments received from interested persons and (c) the requirements of the Act and regulations promulgated thereunder will make final determinations with respect to the proposed permit. If such determinations involve no significant changes in the draft permit, the Regional Administrator will issue the permit subject to such changes, if any. If significant changes are involved, the Regional Administrator will forward the revised determinations to the Applicant and will give public notice thereof.

If within 30 days following the date of such notice, no request for an Adjudicatory Hearing meeting the requirements set forth above has been received, the determinations of the Regional Administrator will become final and he will issue or deny the permit unless he decides to hold a Public Hearing.

All comments timely submitted by interested persons in response to a notice of an application for a permit, all statements properly submitted at Public Hearings and all evidence incorporated in the record of an Adjudicatory Hearing will be considered by the Regional Administrator in the formulation of his final determinations with respect to the application for a permit.

Any permit issued by the Regional Administrator shall become effective 30 days thereafter unless a Public Hearing or an Adjudicatory Hearing is held as above provided.



Richard A. Flye  
Chief

Water Enforcement Branch  
Enforcement and Regional Counsel Division